

Notice of Allowability

Application No.

10/098,634

Examiner

James H. Zurita

Applicant(s)

CHALMERS ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7 February 2007.
2. ☒ The allowed claim(s) is/are 1, 11 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7 February 2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Applicant's submission of 7 February 2007 has been entered. Applicant amended claims 1 and 11.

Claims 1-64 are pending. Claims 1, 11 and 12 are allowed.

Examiner's Amendment

Please cancel claims 2-10, 13-64, with were withdrawn from prosecution as being directed to a non-elected invention.

Examiner's Reasons for Allowability

The following is an examiner's statement of reasons for allowance:

Applicant's amendment and remarks are commensurate with the disclosures.

Prior art does not disclose and does not reasonably suggest the combination of features claimed, including the amendments made to clarify the invention, namely, that the package tracking identifier is assigned by "a carrier server" and that the server is associated with "a carrier" (which provides the proper antecedent basis for "the carrier" subsequently recited in the next limitation).

Discussion of Closest Prior Art

Updated searches were performed on the claimed limitations.

The closest US prior art is Hauser (US 6,536,659). However, as noted by applicant, Hauser does not specifically disclose and does not reasonably suggest or

teach "initiating a return transaction...assigning a package tracking identifier...generating a shipping label..." Hauser refers to a central return facility inspecting the merchandise and reporting its condition, not the carrier handing the delivery. Once the central facility receives the returned merchandise, the carrier has already delivered the goods.

The closest **non-US** prior art of record is publication Toppan Moore KK, JP 2001315916A, published 13 November 2001, from a Japanese application filed 1 May 2000. Toppan discloses that a delivery system prints delivery information corresponding to a generated identification key to a delivery label and publishes the delivery label. However, Toppan does not teach and does not reasonably suggest the features claimed, including "initiating a return transaction...assigning a package tracking identifier...generating a shipping label..."

The closest **non-patent literature** is found in articles that refer to the assignee's Returns on the Web. These materials are presented in a document called 10_098634_Screens_InitiatingReturns.doc. The document contains screen prints of web sites that briefly list products offered by UPS. The screens were retrieved from www.archive.org, on the Internet, www.ec.ups.com site, on various dates.

However, the various screens do not provide details that are claimed, including features such as "...initiating a return transaction...assigning a package tracking identifier...generating a shipping label..."

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
27 April 2007

James Zurita
Primary Examiner